

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, SEPTEMBER 16, 2008 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:

Joan Peterson	Chairperson
Barbara Poelman	Vice Chairperson
Lynda Berry	Commissioner
Deon Dunn	Commissioner
Roger Handy	Commissioner
Reese Nielsen	Commissioner

ALSO PRESENT:

Ruth Jensen	City Council Liaison
Mark Bradley	City Planner
Eliza McGaha	Secretary

EXCUSED:

Paul Fowler	Commissioner
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AGENDA:

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

CONTINUATION OF APPLICATION #3038 / DEFERRAL OF IMPROVEMENTS ALONG 900 WEST STREET FRONTAGE / ASSOCIATED BRIGHAM CONTRACTORS

DISCUSSION:

REGULAR MEETING:

Ms. Peterson opened the regular meeting at 6:30 p.m. Reese Nielsen led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:

MOTION: A motion was made by Barbara Poelman to accept the August 05, 2008 work session minutes. The motion was seconded by Reese Nielsen and passed unanimously.

MOTION: A motion was made by Barbara Poelman to accept the August 05, 2008 regular meeting minutes. The motion was seconded by Reese Nielsen and passed unanimously.

MOTION: A motion was made by Roger Handy to approve the September 02, 2008 work session minutes. The motion was seconded by Lynda Berry and passed unanimously.

PUBLIC COMMENT (Per Utah Code, will receive input only, no decision can be made):

There was no public comment.

CONTINUATION OF APPLICATION #3038 / DEFERRAL OF IMPROVEMENTS ALONG 900 WEST STREET FRONTAGE / ASSOCIATED BRIGHAM CONTRACTORS:

Mr. Bradley stated that, as he explained in the work session meeting, he contacted the City Engineer to go over the items of discussion mentioned in the previous meeting regarding the elevation of the existing road and where it should tie in with the improvements for the off-street improvements and also regarding the storm drain. The City Engineer mentioned it is the responsibility of the applicant's engineer to design their off-site improvements to tie into the City's existing street. He also verified that there is no storm drain system in the 900 West Street but there are some temporary options that can be done to address that. Mr. Bradley relayed this information to the applicant's engineer Michael Jones. Mr. Jones was very responsive to get in touch with the City Engineer. The improvements will or will not be engineered depending on the outcome of the deferral.

Mr. Bradley reported on the feasibility of escrow as asked to do by Ms. Berry at the previous meeting. He said that escrow is typically a shorter time frame and the City Engineer said if they are going to ask for escrow, they may as well have the applicant put in the improvements now. He felt, in circumstances such as these, it is not a good bonding situation with the change of time and the improvements. The Staff recommendation is to have the off-site improvements addressed and put in with the new building. Ms. Poelman asked why the sidewalk in the Kotter development was put into escrow, as was her understanding. She said she did not hear that the City Engineer, at that time, indicated any thing differently. Mr. Bradley explained that there was not going to be sidewalk put along the old State right-of-way but that has been changed and a sidewalk easement has been prepared to put in the sidewalk on the north side of 1500 North. He explained that a contractor has to have a bond with the City to allow them to work in the right-of-way. If they do not complete the work, the City will have that money to complete the work. The Public Works Standard requires a certain percentage to be paid on the overhead cost which is not in the contractor's favor to have the City complete the work.

Ms. Poelman asked if the comment from the Autoliv safety manager, regarding the sidewalk being beneficial to them, inferred that Autoliv would put sidewalk in front of their place. Mr. Bradley replied that they had not been approached and asked to put in the sidewalk. He said Autoliv was contacted to verify the correctness of that statement; which was correct. The fact that the employees of Autoliv would use the sidewalk is an example of public that is using that road. There is a railroad track on one side and there will be a lot of activity taking place on 900 West and Forest Street over time. Mr. Bradley commented that as planners, they all need to look at the best interest of the community as a whole as well as long range.

Michael Jones came forward. He said he did not know who owned the property between the applicant and Autoliv. He said it was his understanding that it is a dedicated open space which may not ever be developed. An open space is not developable. Ms. Dunn asked where the parking lot for commuter rail will be located and if it would be on the same side as the proposed deferred sidewalk. Mr. Bradley replied that, to his understanding, it would be on the easterly side of the track down along 200 South between the railroad and the School District Property. There is a research and development park in the General Plan for that particular area. Those things considered, as well as Forest Street being developed, it is anticipated that people who use commuter rail would be able to come in and go to those areas.

Mr. Jones stated that he had talked to the City Engineer and said he was very accommodating. He said even though they are required to design their plan upfront, he still feels that, as there is no existing curb and gutter, if they want 300-feet of that section of road to set the precedent, they could set it or be involved with the City to combine and make it work right. Mr. Jones stated that the City Engineer said if he could do the original design and come up with a concept, the City Engineer would review it and see

if it fits in with the master plan of that road and work it back and forth from there. Mr. Jones felt that would be fair.

In regards to storm water, Mr. Jones stated that the City Engineer said there are some options but he would like Mr. Jones to come up with a proposal and see if they agree to that or not. There is a storm water plan for the on-site construction side of the project which will all be done by sumps. They just need to come up with one for the road. He said if they concentrate that much water on their site for the storm system, it would erode the area fast. That is what needs to be determined in working with the City. There is vacant property between the applicant's property and Forest Street.

Mr. Handy stated that given the discussions between Mr. Jones and the City Engineer and the demonstrated good that the sidewalk would do, he would like to make a motion.

MOTION: A motion was made by Roger Handy to recommend to the City Council denial of the deferral of right-of-way improvements for application #3038 with the findings of fact that the curb and gutter are needed for control of surface water in the public right-of-way and that if sidewalk, curb and gutter are not installed during the proposed improvement of this property it may be detrimental to the health, safety and general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that the General Plan encourages a safe walkable community. The motion was seconded by Lynda Berry.

Roll Call:

Reese Nielsen – Nay

Roger Handy – Aye

Barbara Poelman – Nay

Lynda Berry – Aye

Deon Dunn - Aye

The motion passed 3 to 2.

DISCUSSION:

Ms. Berry asked if the dedicated open space needed to be researched. Mr. Bradley replied that he would need to find out. He said there would need to be certain precautions taken on the drainage aspect that the City Engineer would be looking at. Mr. Nielsen commented that the piece of sidewalk will be sitting there isolated for a long period of time.

MOTION: A motion was made by Reese Nielsen to adjourn. The motion was seconded by Barbara Poelman and passed unanimously.

The meeting adjourned at 6:53 p.m.

This certifies that the regular meeting minutes of September 16, 2008 are a true and accurate copy as approved by the Planning Commission on October 07, 2008.

Signed: _____

Jeffery R. Leishman, Secretary